In re Patent Application of:
ROY
Serial No. 10/777,871

Filing Date: **February 12, 2004**
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REMARKS

The Examiner is thanked for the thorough examination of the present application. The Examiner is also thanked for properly withdrawing his previous rejections. Claims 29-33 have been amended to include the recitation of non-transitory to address the Examiner's statutory subject matter rejection. The patentability of the claims is discussed below.

I. The Claimed Invention

The present invention, as recited in independent Claim 1, for example, is directed to a communications system including a plurality of mobile wireless communications devices. Each of the plurality of mobile wireless communications devices includes a respective software client using at least one of a plurality of different operating protocols as configuration commands and instructions for accessing electronic mail (email) to send at least one access request. The communications system also includes a plurality of email data storage devices for storing email data files. Each email data file is associated with a respective mobile wireless communications device, and each email data file has a unique identification (UID) associated therewith. Each email data storage device also uses at least one of the plurality of different operating protocols.

The communications system also includes a protocol interface device including a protocol converter module for communicating with the respective software client of each of the plurality of mobile wireless communications devices using

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respective operating protocols thereof. The protocol interface device also includes a protocol engine module for communicating with the plurality of email data storage devices using respective operating protocols thereof.

The protocol engine module is also for initiating polling of the email data storage devices for UIDs of email data files stored thereon to maintain a UID list, and for cooperating with the protocol converter module to provide the UID list to the respective software client of each of the plurality of mobile wireless communications devices upon receiving access requests therefrom. The UID list is provided by the protocol engine module independent of respective ones of the email data files. The protocol engine module also initiates polling for a given one of the plurality of mobile wireless communications devices without initiated configuration commands and instructions from the software client thereof, and irrespective of communications with the given mobile wireless communication device.

Independent Claims 12 and 18 are directed to related protocol interface devices. Moreover, independent Claim 24 is directed to a related method, and amended independent Claim 29 is directed to a related non-transitory computer-readable medium.

II. The Claims Are Patentable

The Examiner rejected independent Claims 1, 12, 18, 24, and 29 over a combination of Hoglund et al., Horstmann et al., and Bern et al. Hoglund et al. is directed to a communications system for transmitting signals from a first communication device

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to a second communication device at a user specified real time
and/or a polled transmission. More particularly, Hoglund et al.
discloses a wireless messaging service that allows users to
transmit and/or receive email and other messages on a real-time
basis via an email account associated with the wireless
communications device. Users can also check email messages
stored within a separate POP or IMAP email account.

The Examiner correctly recognized that Hoglund et al.
fails to disclose the protocol engine module also initiating
polling for a given one of the plurality of mobile wireless
communications devices without initiated configuration commands
and instructions from the software client thereof, and
irrespective of communications with the given mobile wireless
communication device. The Examiner turned to Horstmann et al.
for some of these critical deficiencies. Horstmann et al. is
directed to a communications server that collects messages from
two or more email sources and presents them to a user from a
single location. The messages may be forwarded to a mobile device
and formatted for that receiving device.

The Examiner further correctly recognized that even a
selective combination of Hoglund et al. and Horstmann et al. fail
to disclose the UID list being provided by the protocol engine
module independent of respective ones of the email data files.
The Examiner turned to Bern et al. for this critical deficiency.
Bern et al. is directed to a system that provides email services
to mobile stations connected to a digital radio network.

Applicant submits that the Examiner mischaracterized

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Bern et al. as it fails to disclose the UID list being provided
by the protocol engine module independent of respective ones of
the email data files. Instead, Bern et al. discloses providing
notifications including a job identifier or UID.

More particularly, the Examiner contended that Bern et
al., paragraphs 0012, 0014, 0016, and 0018 somehow provide the
above-noted critical deficiency. Indeed, paragraphs 0012, 0014,
0016, and 0018 disclose the UID being provided with the
notification

> [0012] One object of the present invention is
> to provide a mail client with the ability to,
> over a digital radio communications network,
> access a specific e-mail stored by a
> corresponding POP3- or IMAP4-like mail server
> host without first having to download all
> UIDs or all message sequence numbers of all
> the e-mails stored in the mail box of the
> mail client, or having to issue one or more
> commands to the mail server host for
> retrieving a UID corresponding to the
> specific e-mail. (Emphasis Added).

Indeed, paragraph 0012 of Bern et al. discloses the
object as **not** providing the UIDs separately. As disclosed in
paragraph 0014 of Bern et al.:

> "…an e-mail stored at the POP3/IMAP4 mail
> server could be accessed without the overhead
> of having to ask the server to list all
> UIDs…" (Emphasis Added).

> "This is accomplished by combining the
> technique of transferring notifications to
> mobile subscribers with the provision of
> modified UIDs…" (Emphasis Added).

Paragraphs 0016 and 0018 further disclose the UID list
or job identifier as being provided with the notification. As
disclosed in paragraph 0016 of Bern et al.:

> "…The notification includes the job
> identifier with which the mail server host
> can identify the e-mail message stored in the
> database."

As disclosed in paragraph 0018 of Bern et al.:

> "…since the job identifier identifying the e-
> mail at the POP3 or IMAP4 server host has
> been received with a notification in a
> message…"   (Emphasis Added).

Indeed, Bern et al. fails to disclose the UID list
being provided by the protocol engine module independent of
respective ones of the email data files. Accordingly,
independent Claims 1, 12, 18, 24, and 29 are patentable.

Additionally, Applicant submits that the Examiner
mischaracterized Hoglund et al. as it fails to disclose the
protocol engine module also initiating polling. Instead, Hoglund
et al., for example, paragraphs 0088 and 0096, discloses that the
user specify, via the registration system, that his messages are
to be downloaded automatically on a predetermined basis. The
user optionally sets the time at which he wishes his messages to
be retrieved via the registration system 518. Indeed, it is the
user that is initiating the polling. In contrast, independent
Claims 1, 12, 18, 24, and 29 recite that the protocol engine
module initiates polling for a given one of the plurality of

mobile wireless communications devices.

Applicant submits that the Examiner's proposed combination of references is improper, as a person having ordinary skill in the art would not turn to Horstmann et al. to supply the critical deficiencies of Hoglund et al. Hoglund et al., discloses the particular wireless device must be registered with the system to retrieve email messages (i.e. polling). In other words, Hoglund et al. discloses the wireless devices having to be in communication with the system for message retrieval and the user initiating the polling. Hoglund et al. requires the wireless devices be in communication with the system for message retrieval and the user initiate the polling for volume handling and scalability. (See Hoglund et al., paragraph 0095). Horstmann et al., discloses polling at an interval regardless of whether the user is currently logged into the communications server. Indeed, combining Horstmann et al. with Hoglund et al. would be disregarding the teachings of the Hoglund et al. scheduler 610, and would thus teach away from the volume handling and scalability teachings of Hoglund et al. Accordingly, the combination of Hoglund et al. and Horstmann et al. is improper.

Moreover, notwithstanding the above critical deficiencies of Bern et al., a person having ordinary skill in the art would not turn to Bern et al. in an attempt to selectively combine with either of Hoglund et al. or Horstmann et al. Indeed, even if Bern et al. somehow disclosed the UID list being provided by the protocol engine module independent of respective ones of the email data files, a person skilled in the

art would not simply combine these references because they are "compatible" and the in the "email" arts as contended by the Examiner, as a combination would require a complete disregard of the teachings of Hoglund et al. and Horstmann et al. Hoglund et al. and Horstmann et al. disclose their own fully satisfactory approaches, thus any motivation to selectively disregard these approaches would improperly come from Applicant's own specification. Accordingly, the Examiner's proposed combination of references is improper.

It is submitted that independent Claims 1, 12, 18, 24, and 29 are therefore patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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CONCLUSION

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

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